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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,080	05/19/2000	Hartmut Richter	RCA 90, 160	1024

7590 01/29/2004
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EXAMINER

MILLER, BRIAN E

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 01/29/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,080

Applicant(s)

RICHTER ET AL.

Examiner

Brian E. Miller

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 10-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☒ Claim(s) 1-18 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2652

Claims 1-18 are pending, with claims 10-18 being withdrawn as being drawn to a non-elected invention.

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 1-2, 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayahi et al (US 5,703,868). Kobayahi et al discloses an optical recording medium as shown in at least FIG. 3, including: two information carrier faces 23, 30 which encompass semi-transparent layers 24, 31, respectively; a separating layer 25 or 32 disposed between the information carrier layers; two transparent covering layers 22, 29, which thickness substantially exceeds the thickness of the information carrier layers which are semi-transparent. Re claim 2, it is considered that Kobayahi et al encompasses that the reproduction "can be" performed from either side (see col. 5, lines 27-39 and col. 9, lines 42-54), however, recording for each layer can only be done from one side. Re claim 6, separating layer(s) includes another information carrying layer 26, 33. Re claim 8, it is considered that Kobayahi et al discloses that the information carrier layers are at least write once type. Re claim 9, it is considered that Nagashima discloses that the information carrier layers have a preformatted track whose rotational sense is unidirectional and whose directional sense is one of unidirectional and opposed (see col. 6, lines 55-64), as is known in the art. Re claim 7, as A1 has a reflectance of 90% (transmittance of 10%) (see col. 5, line 66 to col. 6, line

Art Unit: 2652

10), it would encompass this claim limitation. It is noted that if Au was used, the transmittance would be 5%.

Allowable Subject Matter

3. Claims 3 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 4-5 are allowable over the prior art.

Response to Arguments

5. Applicant's arguments filed 11/10/03 have been fully considered but they are not persuasive.

A...Applicants' main assertion, reiterated for every claim, is that "Kobayashi et al, does not describe or suggest an optical recording medium including at least two **semi-transparent information carrier layers**"(Emphasis added by Applicant).

The Examiner maintains that two semi-transparent information carrier layers are taught by Kobayashi et al, at least by layers 24 & 31 (see col. 8, line 57-col. 9, line 33). The present claims do not set forth language to patentably distinguish from Kobayashi. It is noted that Applicant appears to refer to the disclosure of FIG. 1 of Kobayashi et al (see page 6, 2nd paragraph in the amendment) wherein the Examiner relies on the embodiment of FIG. 3.

B...With respect to claim 9, applicants' further state (see page 9, 2nd paragraph of amendment) that "Claim 9 depends from claim 1 and recites a limitation that the writable information carrier

Art Unit: 2652

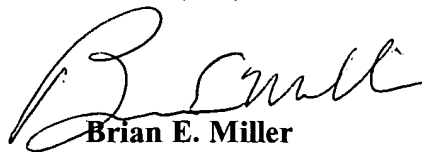
layers have preformatted tracks the rotational sense of each track viewed from the same side is *unidirectional and opposed*. (emphasis added by Examiner), however, this is not commensurate with the pending claim. The claim only sets forth that the rotational sense of each track, viewed from the same side, "is unidirectional". This language is considered to be met by Kobayashi et al, at least from the disclosure at col. 6, lines 57-58, that the recording is in spiral form or concentric form, i.e., unidirectional.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (703) 308-2850. The examiner can normally be reached on M-TH 7:15am-4:45pm (and every other friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



Brian E. Miller
Primary Examiner
Art Unit 2652

bem
January 23, 2004